

231800

FEB 6 2012

**LAW OFFICES OF  
LOUIS E. GITOMER, LLC.**

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASBIN  
Melanie@lgraillaw.com  
410-296-2225

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410) 296-2250 • (202) 466-6532  
FAX (410) 332-0885

February 6, 2012

**FEE RECEIVED**

FEB 6 - 2012

**SURFACE  
TRANSPORTATION BOARD**

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

**RE: Finance Docket No. 35595, Wellsboro & Corning Railroad, LLC—Acquisition  
and Operation Exemption—Wellsboro & Corning Railroad Company**

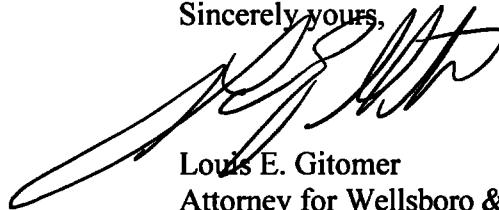
Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Notice of Exemption by Wellsboro & Corning Railroad, LLC to acquire and operate the assets of the Wellsboro & Corning Railroad Company . Also enclosed are a check from NCVR for the filing fee of \$1,800, and a computer diskette containing the Notice in Word and pdf format. The color Exhibit is attached to the end of the Notice in Exhibit C.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer  
Attorney for Wellsboro & Corning Railroad,  
LLC

Enclosures

**ENTERED**  
Office of Proceedings

FEB 6 - 2012

**Part of  
Public Record**

**FILED**

FEB 6 - 2012

**SURFACE  
TRANSPORTATION BOARD**

231803

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

FINANCE DOCKET NO. 35595

---

WELLSBORO & CORNING RAILROAD, LLC—ACQUISITION AND OPERATION  
EXEMPTION—WELLSBORO & CORNING RAILROAD COMPANY

---

VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

---

ENTERED  
Office of Proceedings  
FEB 6 - 2012  
Part of  
Public Record

**FILED**

FEB 6 - 2012

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

FEB 6 - 2012

**SURFACE  
TRANSPORTATION BOARD**

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250  
Lou@lgrailaw.com

Attorney for WELLSBORO & CORNING  
RAILROAD, LLC

Dated: February 6, 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35595**

---

**WELLSBORO & CORNING RAILROAD , LLC—ACQUISITION AND OPERATION  
EXEMPTION— WELLSBORO & CORNING RAILROAD COMPANY**

---

**VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. § 1150.31, Et Seq.**

---

Wellsboro & Corning Railroad, LLC (“WCLLC”) a noncarrier, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (the “Board”) to permit WCLLC to acquire from Wellsboro & Corning Railroad Company (“WCRR”) and operate over about 35.5 miles between Wellsboro, PA, milepost 109.90, and Erwin, NY, milepost 74.70, in Tioga County, PA and Steuben County, NY (the “Line”). The Line is the first line of railroad to be acquired and operated by WCLLC.

In support of this Notice of Exemption, WCLLC submits the following information as required by 49 C.F.R. § 1150.33:

**a. Full name and address of applicant:**

Wellsboro & Corning Railroad, LLC  
256 Eagleview Boulevard, PMB 261  
Exton, PA 19341

**b. Applicant's Representative:**

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250  
Lou@lgraillaw.com

**c. WCLLC has entered an agreement dated as of January 31, 2012 with Wellsboro & Corning Railroad Company.**

**d. The operator of the Line will be WCLLC.**

**e. Summary of proposed transaction:**

**1. The name and address of the party transferring the property is:**

Wellsboro & Corning Railroad Company  
256 Eagleview Boulevard, PMB 261  
Exton, PA 19341

**2. The proposed time schedule for the consummation of the transaction is on or after March 7, 2012.**

**3. The mileposts of the subject property, including any branch lines. The 35.5 miles of track run between Wellsboro, PA, milepost 109.90, and Erwin, NY, milepost 74.70, in Tioga County, PA and Steuben County, NY.**

**4. WCLLC will operate over 35.5 route miles as a common carrier railroad. WCLLC intends to interchange traffic with the Norfolk Southern Railway Company ("NS") and the Canadian Pacific Railway Company ("CPR").**

**f. A color map of the Line is attached as Exhibit C.**

**g. A Certificate of Compliance with the provisions of 49 CFR § 1150.33(g) is attached as Exhibit A.**

- h. There are no interchange commitments or paper barriers in the agreement between WCLLC and WCRR. Nor will there be any interchange commitments or paper barriers in the Interchange Agreements between WCLLC and NS or CPR.
- i. A caption summary, as required by 49 C.F.R. §1150.34, is attached as Exhibit B.
- j. No environmental documentation is required because there will be no operational changes that would exceed the thresholds established in 49 CFR §1105.7(e)(4) or (5) and there will be no action that would normally require environmental documentation. Hence, this Notice of Exemption does not require environmental documentation under 49 CFR §1105.6(b)(4) and (c)(2)(i).
- k. An historic report is not required because WCLLC will operate the Line, will require further Board approval as required to discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older. Hence, this Notice of Exemption does not require an historic report under 49 C.F.R. §1105.8(b)(1).

This action will not significantly affect either the quality of the human environment or energy conservation.

Respectfully submitted,

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250  
Lou@lgrailaw.com

Attorney for WELLSBORO & CORNING  
RAILROAD, LLC

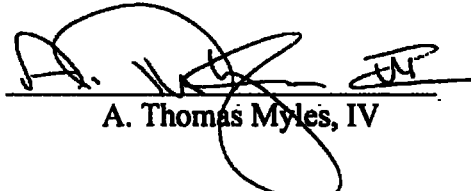
Dated: February 6, 2012

# **EXHIBIT A**

**CERTIFICATION**

Commonwealth of Pennsylvania     )  
                                                          ) ss:  
County of Chester                             )

I, A. Thomas Myles, IV, being duly sworn, deposes and says that he is a principal of the Wellsboro & Corning Railroad, LLC, a Delaware limited liability company, and that the projected annual revenues from the rail operations would not exceed those that would make it a Class III carrier under 49 CFR Part 1201(1-1) and would not exceed \$ 5 million.

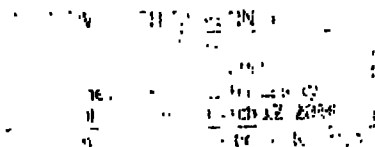
  
A. Thomas Myles, IV

Subscribed and sworn to before me this 6<sup>th</sup> day of February 2012.

  
Notary Public

(SEAL)

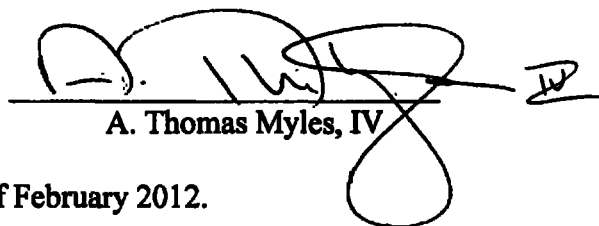
My Commission Expires: March 12, 2014



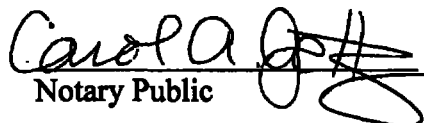
VERIFICATION

Commonwealth of Pennsylvania     )  
                                                          ) ss:  
County of Chester                             )

I, A. Thomas Myles, IV, being duly sworn, deposes and says that he is a principal of the Wellsboro & Corning Railroad, LLC, a Delaware limited liability company, and that I have read the foregoing notice of exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

  
A. Thomas Myles, IV

Subscribed and sworn to before me this 6<sup>th</sup> day of February 2012.

  
Notary Public

(SEAL)

My Commission Expires: March 12, 2014



# **EXHIBIT B – CAPTION SUMMARY**

**SURFACE TRANSPORTATION BOARD**

**Notice of Exemption**

**FINANCE DOCKET NO. 35595**

**WELLSBORO & CORNING RAILROAD, LLC—ACQUISITION AND OPERATION  
EXEMPTION—WELLSBORO & CORNING RAILROAD COMPANY**

Wellsboro & Corning Railroad, LLC (“WCLLC”) has filed a notice of exemption to acquire from Wellsboro & Corning Railroad Company and operate over about 35.5 miles between Wellsboro, PA, milepost 109.90, and Erwin, NY, milepost 74.70, in Tioga County, PA and Steuben County, NY .

The transaction is scheduled to take place on or after March 7, 2012.

WCLLC certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions to stay must be filed no later than February 29, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35595, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204,

(410) 296-2250, Lou@lgrailaw.com.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: \_\_\_\_ \_\_, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

# **EXHIBIT C—MAP**

